

Rule 1006. Summaries to Prove Content.

The proponent may use a summary, chart, or calculation to prove the content of voluminous writings, recordings, or photographs that cannot be conveniently examined in court. The proponent must make the originals or duplicates available for examination or copying, or both, by other parties at a reasonable time or place. And the court may order the proponent to produce them in court.

Comment to 2012 Amendment

The language of Rule 1006 has been amended to conform to the federal restyling of the Evidence Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only. There is no intent to change any result in any ruling on evidence admissibility.

Comment to Original 1977 Rule

This rule is not intended to change foundation requirements for summaries. The person creating a summary will ordinarily be required to lay the foundation and be available for cross-examination.

Cases

1006.010 This rule authorizes use of summaries when the contents of “voluminous writings” cannot be conveniently examined in court.

State v. Apelt (Michael), 176 Ariz. 349, 861 P.2d 634 (1993) (state was allowed to have accountant summarize deposits and expenditures in joint checking account belonging to defendant and victim).

Rayner v. Stauffer Chem. Co., 120 Ariz. 328, 585 P.2d 1240 (Ct. App. 1978) (witness allowed to summarize results of tests made in course of defendant’s business).

1006.020 The court shall allow the contents of voluminous writings, recordings, or photographs to be presented in the form of a chart, summary, or calculation if they cannot conveniently be examined in court, and the originals or duplicates are made available for examination or copying by other parties.

Crackel v. Allstate Ins. Co., 208 Ariz. 252, 92 P.3d 882, ¶¶ 55–57 (Ct. App. 2004) (defendant’s expert presented statistical study and charts showing relationship between defendant’s offers in minor impact soft tissue cases and ultimate jury awards in those cases, and relied in part on information defendant had supplied; court concluded defendant had produced all information used to produce charts).

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